



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER FOR NOTICE OF APPEAL; APPEAL BRIEF

Commissioner for Patents
Alexandria, VA 22313

Dear Sir:

In response to the Office Action dated September 1, 2004, enclosed herewith are the following:

1. Notice of Appeal
 2. Appeal Brief in 15 pages including Annexes A, B and C, in triplicate
 3. Acknowledgment postcard.

The Commissioner is hereby authorized to charge \$660 to Deposit Account **50-0563** for fees required under 37 CFR 1.16 or 1.17 (in this case, for the Notice of Appeal and the Appeal Brief).

Respectfully submitted,

John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Mail Stop APPEAL BRIEF-PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on SEPTEMBER 22, 2004.

Date Signed: SEPTEMBER 22, 2004

Jeanne Gahagan
JEANNE GAHAGAN